

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

RAMIREZ FRANCISCO RAMON,)
JR.,)

Petitioner,)

v.)

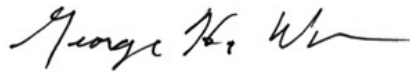
PAT L. VASQUES, Warden,)
Respondent.)

Case No. EDCV 08-1042-GW(AJW)

AMENDED JUDGMENT

1 Pursuant to the Court of Appeals' mandate filed on November 28, 2014, it is hereby
2 adjudged that the petition for a writ of habeas corpus is granted with respect to
3 petitioner's claim that his upper term sentence for the use of a firearm was imposed in
4 violation of his Sixth Amendment right to a jury trial. Respondent is directed to modify
5 petitioner's upper term sentence to the same term of years as a middle term sentence,
6 unless petitioner is resentenced in compliance with *Blakely v. Washington*, 542 U.S. 296
7 (2004) and *Cunningham v. California*, 549 U.S. 270 (2007) within ninety (90) days of the
8 entry of judgment. See *Chioino v. Kernan*, 581 F.3d 1182, 1186 (9th Cir. 2009). In all
9 other respects, the petition is denied.

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11 Dated: February 9, 2015

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14 HONORABLE GEORGE H. WU
15 UNITED STATES DISTRICT JUDGE
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